March 2009 VOLUME 13 ISSUE 1

# Alabama Board of Physical Therapy Newsletter

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John Cormier Tuscaloosa, AL Member	PT	
Vince Molyneux Mobile, AL Member	РТА	
Mitzi Tuttle Skipperville, AL	PTA	

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#### **2008 Board Member Appointed & Officer Elections**

Mitzi Tuttle has been reappointed by Governor Riley to serve her second term on the Alabama State Board of Physical Therapy. Mitzi is from Dothan and represents the 2<sup>nd</sup> District. She will continue to serve the Board with distinction.

As a result of that appointment, the Board has elected officers for the Board who will serve until the 2009 appointment is made. Andy Gustafson has been elected Chair by members of the Board. Andy brings experience to the position with his tenure of three years as a Board member, a clinician for 16 years, and an educator in an accredited fellowship program.

Jay Segal has been elected as Board Secretary. Jay has been on the Board for two years and brings previous Board experience from another state. He has also been involved on a national level with the APTA.

Ron Bass was elected to serve as Treasurer of the Board. He brings to the position his past experience as Board Treasurer, as well as being the Consumer Member and in private business.

#### What Would You Like to See on our Website?

The Board would like to have communication from licensees regarding what they would want to see on our website. One suggestion has been to include topics to be discussed at Board meetings. The issue is that even though Board meetings are open to the public, it is difficult for licensees to attend due to responsibilities at work, etc. Therefore, the Board is asking licensees to respond whether it would be beneficial to have topics for upcoming Board meetings listed on the website prior to the meeting. In addition, if there are other issues that licensees would like the Board to discuss, please send them to the Board or call a member of the Board.

#### **Site Visits**

by Mitzi Tuttle, PTA

It has come to the attention of the Alabama Board of Physical Therapy (ABPT), by means of comment or question, that there are common practice activities of physical therapists and physical therapist assistants in the state of Alabama that may be perceived as or that are in fact in conflict with the State Practice Act. This Board takes these questions and situations seriously.

With authority to do so, in the ABPT Administrative Code 700-x-1-.01 "... The Board may, at its discretion, conduct scheduled or unscheduled inspections of facilities in which physical therapists practice to determine compliance with applicable statute/regulation", this Board has made and will continue to make site visits, randomly and unannounced when prompted by questionable practices at facilities in the state.

Information gathered by these visits may include but are not limited to:

Current licenses readily available for all PTs and PTAs
Proof of Continuing Education readily available for same
Supervision of PTAs and assistive personnel
PT evaluations and discharge summaries
PT/PTA daily progress notes
Private, personal interviews with staff

If there are questionable findings gathered during these site visits, a formal complaint may be generated against the licensee(s) in question, initiating an official investigation with Executive Committee review, and when/if warranted, formal charges made against the parties involved.

The purpose of the ABPT as stated in the Administrative Code 700-x-1-.01, is "to ensure that the public is protected from the incompetent practice of physical therapy in this state. This protection is achieved through the establishment of minimum qualifications for entry into the profession, through the adoption of rules defining and delineating unlawful conduct, and thorough swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated thereunder."

May you also be reminded that you are obligated to comply with and assist in the investigative or disciplinary process through Administrative Code 700-x-3-.02 <u>Unbecoming Conduct/Conduct Detrimental To The Best Interest Of The Public Prohibited.</u> Included in this section are definitions of unbecoming conduct as well as the following behaviors that are associated with reporting, investigating and /or disciplinary proceedings that all licensees are required to abide by:

- (y) Failing to report alleged or known unethical, incompetent, illegal, unprofessional, or dishonorable conduct.
- (cc) Interfering with, or refusing to cooperate in, an investigation or disciplinary proceeding by willful misrepresentation of facts or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any legal action.

#### JURISPRUDENCE CONTINUING EDUCATION COURSE

by John Cormier, PT

Over the last 1-2 years members of the Alabama Board of Physical Therapy have been working collaboratively with members of the Alabama Physical Therapy Association to develop a continuing education course for the Alabama Jurisprudence Exam. The Jurisprudence Exam is a test that was developed to assess an individual's basic knowledge of the PT Practice Act and the Administrative Code (or Rules). Sometimes, when licensees rely only on "common sense" or their personal sense of what is appropriate to determine how they practice, mistakes that can put their license in jeopardy can occur. It can be difficult to stay within the parameters of the Statute and Rules when one is unfamiliar with what they say. That is why passage of the Jurisprudence Exam is required for initial licensure in the State of Alabama. The Board of Physical Therapy has discussed possible expansion of the use of the Jurisprudence Exam in the future for licensees applying for license renewal. An important part of these discussions was the need for a class that could serve as a review of the content in the Statute and Rules. The Alabama Board of Physical Therapy is pleased that such a review course is now complete and will be offered for the first time at the Alabama Physical Therapy Association Spring conference.

#### **DOCTORATE OF PHYSICAL THERAPY**

by Vince Molyneux, PTA

It is the opinion of the Alabama Board of Physical Therapy that it is perfectly acceptable to use the acronym "Dr." before one's name as long as the person has graduated from an accredited physical therapy program with a doctorate of physical therapy degree, and is in good standing with the Alabama Board of Physical Therapy. There have been concerns brought before the board that it could be misleading the public if DPT is not noted after one's name. Therefore, when using the term, for ex. Dr. Smith, DPT shall be written so not to confuse a doctorate of physical therapy with a medical doctor.

The Alabama Administrative Code 700-x-30.02 states that using the word "doctor" in offering to perform professional services without also indicating the discipline which the licensee holds a doctorate could be considered unbecoming conduct.



PLEASE NOTIFY THE BOARD
IF YOU HAVE AN ADDRESS CHANGE
THE STATE DOES NOT FORWARD MAIL

#### **Model Practice Act Task Force**

by Jay Segal, PT

The Alabama Board of Physical Therapy meets about 10 times a year. As part of our meeting, we consider questions and complaints submitted by licentiates that relate to the practice of physical therapy. It has become more and more evident that there is a need to revise our current Practice Act. Over the past several years, both the Alabama Board of Physical Therapy ( the Board) and the Alabama Chapter of the American Physical Therapy Association (the Chapter) have pursued some legislative changes to the Physical Therapy Practice Act (the Practice Act), which for the most part have not been successful. One thing has become clear, the Practice Act is outdated and does not reflect the current practice of therapy from the stand point of practice, as well as what is currently taught in our educational programs.

To address the issue of revising the Practice Act, the Board considered two options. One was to establish a Task Force through the Board, and the other was to request the Chapter to form a Task Force. It was decision of the Board, with input from the Chapter President, David Morris, to have the Chapter form and run the Task Force. The Board requested, and it was agreed upon by the Chapter, that the Board would have a representative on this Task Force.

The Task Force has been established. Dave Morris took the responsibility of selecting the members, asking for input from the both the Board and the Chapter. An effort was made to have diversity on the Task Force. The following are the current members: Buddy McCormick (Chair), Andy McGill, Dave Morris, Ellen Strunk, Patrice Murphy, Beth Curry, and Jay Segal.

The Task Force has met face to face twice and on a conference call once. The group intends to use both methods to do their work. They have agreed to use the Model Practice Act as a tool in revising the Alabama Practice Act. They have adopted the following:

**Description**: The Model Practice Task Force will be made up of physical therapy practitioners who represent a variety of stakeholders (ALBPT, Alabama Chapter Leadership, Licensees) and geographic locations. The purpose of the Task Force will be to advance physical therapy practice and delivery in Alabama by updating the Alabama Physical Therapy Practice Act and Administrative Code to reflect contemporary standards and practices that result in high quality services for physical therapy consumers.

**Objective**: To provide recommendations concerning the Alabama Physical Therapy Practice Act and Administrative Code language that would:

Update the practice of physical therapy in Alabama.

Be accepted in the current political climate within Alabama.

It is the intent of the Task Force to provide opportunities for input from licentiates prior to finalizing our recommendations. The final product will then be shared with the Alabama Board of Physical Therapy.



## Proclamation

#### By the Governor of Alabama

WHEREAS, the State of Alabama recognizes Physical Therapy as a health profession of great value to our state residents; and

WHEREAS, the State of Alabama has established Physical Therapy as an advanced degreed profession licensed by the state; and

WHEREAS, Physical Therapy serves the best interest of the public by promoting physical fitness and wellness oriented programs and by raising awareness on the importance of preventative health; and

WHEREAS, Physical therapists and physical therapist assistants contribute to the wellbeing of all age groups and populations through their skills, judgments, and interventions to correct impairments, functional limitations, and to prevent disabilities related to movement, function, and health; and

WHEREAS, the purpose of National Physical Therapy Month is to raise awareness about the prevention and management of adult and childhood obesity which threatens the well-being of many of our citizens; and

NOW, THEREFORE, I, Bob Riley, Governor of Alabama, do hereby proclaim October 2008, as

### Physical Therapy Month

in the State of Alabama.



Given Under My Hand and the Great Seal of the Office of the Governor at the State Capitol in the City of Montgomery on the 9th day of October 2008

Governor Bob Riley

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#### **Physical Therapy Month**

October 2008 was proclaimed National Physical Therapy Month in the State of Alabama by Governor Riley. The recognition provided an opportunity for physical therapists to educate their communities about who physical therapists and physical therapist assistants are and what they do. Your Board Staff and Chair and several members of the Alabama Physical Therapy Association joined the Governor on October 9 as he signed the proclamation seen on the previous page. We are all very proud of the physical therapy profession and appreciated the Governor's participation in the event.



## ALABAMA BOARD OF PHYSICAL THERAPY DISCIPLINARY INVESTIGATIONS AND ACTIONS

The Board has a three-tier system of discipline.

The lowest level of sanction involves the placing of a *letter of admonition* in a licensee's permanent file.

The intermediate level of sanction involves the licensee entering into a *guilty plea agreement* with the Board, either prior to or following a formal or informal hearing. A licensee who pleads guilty may be required to pay a fine, or be subjected to a period of license suspension, or both.

The highest level of sanction involves a finding of guilt after a *formal administrative hearing*. This level of sanction includes a fine and/or license suspension, and may include license revocation.

Disciplinary actions are matters of public record.

In addition to being included in a licensee's permanent file, disciplinary actions are also published in the Board's semi-annual newsletter and to the Healthcare Integrity Protection Data Bank. (HIPDB).

Licensees who either plead guilty, or who are found guilty after either an informal or formal hearing, have their names and the nature of their discipline published in the Board's newsletter and filed with HIPDB.

With a letter of admonition, only the nature of the disciplinary action is published.

In keeping with this policy, the following is a list of the Board's disciplinary actions since the last newsletter:

**Allegation**: Practicing physical therapy without a current license, caused by failure to timely renew license.

**Disposition**: Licensee pleaded guilty and paid \$500 fine.

<u>Name</u>	<i>Case #</i>	<u>Name</u>
David Balenger, PT	09-01-13	Sheri Guy, PT
Melissa Sexton, PT	09-01-14	Steven Calloway, PT
Tim Douglass, PTA	09-01-15	Wendy Hendricks, PTA
Jamie D. Hall, PT	09-01-16	Teresa Eversman, PTA
Cindy Wilson, PTA	09-01-17	Ricky Sanders, PT
Nathan McGriff, PTA	09-01-18	Heather Henley, PT
Jasmine Jones, PT	09-01-19	Karen Daniel, PTA
Eddie Goodman, PT	09-01-20	Traci McFall, PTA
Rachael Miller, PT	09-05-26	Elisa Divittorio, PT
Robin Irwin, PT		
	David Balenger, PT Melissa Sexton, PT Tim Douglass, PTA Jamie D. Hall, PT Cindy Wilson, PTA Nathan McGriff, PTA Jasmine Jones, PT Eddie Goodman, PT Rachael Miller, PT	David Balenger, PT  Melissa Sexton, PT  Tim Douglass, PTA  Jamie D. Hall, PT  Cindy Wilson, PTA  Nathan McGriff, PTA  Jasmine Jones, PT  Eddie Goodman, PT  Rachael Miller, PT  09-01-13  09-01-14  09-01-15  09-01-16  09-01-17  09-01-17  09-01-19  09-01-20  09-01-20

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